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PRECISION[SM] RESOLUTION TARGETS

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United Nations S/AC.47/2010/1

Security Council

Distr.: General
12 March 2010

Original: English

Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Note verbale dated 18 November 2009 from the United States Mission to the United Nations addressed to the Committee

The United States Mission to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan, and has the honour to enclose the United States report on the implementation of the sanctions imposed by Security Council resolutions 1591 (2005) and 1556 (2004) (see annex).

10-27097 (E) 160310

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Annex to the note verbale dated 18 November 2009 from the United States Mission to the United Nations addressed to the Committee

United States report on the implementation of sanctions imposed by Security Council resolutions 1591 (2005) and 1556 (2004)

Travel ban

Under the applicable provisions of the Immigration and Nationality Act, the United States takes the necessary measures to prevent the entry into or transit through the territories of the United States of individuals designated by the Committee established pursuant to resolution 1591 (2005) concerning the Sudan (herein "the Committee"), provided that the individuals are not nationals of the United States. Travel exemptions will be granted if the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation, or if it will further the objectives for the creation of peace and stability in the Sudan and the region, or if the United States is obliged to permit the travel due to the United Nations Headquarters Agreement.

Asset freeze

The United States takes the necessary measures to freeze without delay the funds, other financial assets and economic resources which are within the jurisdiction of the United States, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee. Additionally, the United States ensures that any funds, financial assets or economic resources are not made available to or for the benefit of designated individuals and entities by United States nationals or by any individuals or entities within the territory of the United States. The United States may authorize the release of frozen assets in certain compelling circumstances.

The United States implements the asset freeze pursuant to Presidential authorities under the Constitution and the laws of the United States of America, including the International Emergency Economic Powers act (50 U.S.C. 1701 et seq.), the National Emergencies Act (50 U.S.C. 1601 et seq.), section 5 of the United Nations Participation Act, as amended (22 U.S.C. 287c), and section 301 of title 3, United States Code.

Arms embargo

The United States complies with the arms embargo on Darfur imposed by resolution 1556 (2004) and expanded by resolution 1591 (2005). The United States export controls are implemented through the Arms Export Control Act and the International Traffic in Arms Regulations. The United States munitions export control system is designed to deny adversaries and parties whose interests are inimical to those of the United States access to United States-origin defense equipment and technology. This function is administered by the Directorate of Defense Trade Controls, United States Department of State. The export control

process is closely regulated and excludes the participation of embargoed and other ineligible parties in United States defense trade.

The United States takes the necessary measures to prevent the direct or indirect supply, sale or transfer of weapons and military equipment and the direct supply of technical assistance or training, financial and other assistance including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment to the individuals and entities operating in Darfur. The United States requires all United States persons that manufacture or export defense articles, furnish defense services, or United States and foreign persons engaged in arms brokering to register with the Department of State. The Department of State must approve a license application prior to the export of defense articles or defense services. A review of all parties to the proposed transactions, including end-users, is made against a "Watch List," which includes individuals and entities designated by the United Nations sanctions committees. Pursuant to the United States Arms Export Control Act, arms export control violations, including provision of defense equipment and technology to ineligible persons and associate persons are subject to strict criminal and civil penalties. Criminal penalties may include a jail sentence of 10 years and/or $1 million for each violation. Possible civil penalties include debarment from participation in United States defense trade and monetary penalties up to $500,000 per violation.

United Nations S/AC.47/2010/2

Security Council

Distr.: General
12 March 2010
English
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Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Note verbale dated 5 January 2010 from the Permanent Mission of Belarus to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Belarus to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan and with reference to the latter's note dated 29 October 2009 has the honour to forward the attached report on the actions taken by the Republic of Belarus to implement measures imposed by the Security Council in resolutions 1591 (2005) and 1556 (2004) (see annex).

10-27103 (E) 160310 160310

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Annex to the note verbale dated 5 January 2010 from the Permanent Mission of Belarus to the United Nations addressed to the Chairman of the Committee

[Original: Russian]

In accordance with paragraph 5 of Security Council resolution 1891 (2009), we wish to report on the measures taken to implement the resolution in the Republic of Belarus.

The State bodies of the Republic of Belarus authorized to issue export and import permits for military goods have adopted measures to prevent the sale or supply of arms and related materiel of all types, including weapons and ammunition, and to prohibit the provision of technical training or assistance in accordance with paragraphs 7 and 8 of Security Council resolution 1556 (2004).

Pursuant to paragraphs 3 (d) and (e) of Security Council resolution 1591 (2005), the relevant national authorities of the Republic of Belarus are monitoring the individuals and entities listed in the resolution.

Financial organizations in the Republic of Belarus are being advised to exercise vigilance and to follow in their work the provisions of the resolution concerning the freezing of financial assets and economic resources that are owned or controlled by individuals designated by the Committee in accordance with paragraphs 3 (c) and (e). There is constant monitoring of the provision of grants, financial assistance and concessional loans to individuals or organizations designated by the Committee.

In the course of an inspection, no evidence was found of financial transactions carried out between banks or financial institutions in the Republic of Belarus and the individuals and entities subject to the freezing of financial assets listed in the resolution.

United Nations S/AC.47/2010/1

Security Council

Distr.: General
12 March 2010

Original: English

Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Note verbale dated 13 January 2010 from the Permanent Mission of Brazil to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Brazil to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning Darfur, Sudan, and, in reply to his note verbale dated 29 October 2009, has the honour to inform the Committee that Security Council resolutions 1591 (2005) and 1556 (2004) were incorporated into the national legislation, respectively, by decrees numbers 5470, of 16 June 2005, and 5451, of 1 June 2005, which entered into force on the date of their issuance and remain in force to this date. The information provided by our note verbale dated 22 June 2005 (S/AC.47/2005/1), therefore, still stands.

In accordance with the above-mentioned legislation, the Brazilian authorities must comply with the provisions of both resolutions adopted by the Security Council, within the limits of their duties and powers, which include the provisions related to the arms embargo, asset freeze and travel ban.

10-27122 (E) 160310

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United Nations S/A

Security Council

Distr.: General
12 March 2010
English
Original: French

Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Note verbale dated 14 January 2010 from the Permanent Mission of Andorra to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Andorra to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) and has the honour to submit the response of the Government of the Principality of Andorra to Security Council resolution 1891 (2009) concerning the Sudan (see annex).

10-27128 (E) 150310 160310

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Annex to the note verbale dated 14 January 2010 from the Permanent Mission of Andorra to the United Nations addressed to the Chairman of the Committee

Report of Andorra on the implementation of Security Council resolution 1891 (2009)

Introduction

On 13 October 2009, the Security Council adopted resolution 1891 (2009) concerning the Sudan. Paragraph 4 of the resolution urges all States to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on implementation of the measures imposed by resolution 1591 (2005) and resolution 1556 (2004). Paragraph 5 of the resolution encourages all States to report to the Committee on the actions they have taken to implement measures imposed by resolutions 1591 (2005) and 1556 (2004).

Actions taken by the Government of Andorra to implement the measures imposed by paragraphs 3 (d) and (e) of Security Council resolution 1591 (2005)

3. *Decides* [...]

(d) that all States shall take the necessary measures to prevent entry into or transit through their territories of all persons as designated by the Committee pursuant to paragraph (c) above, provided that nothing in this paragraph shall obligate a State to refuse entry into its territory to its own nationals.

The Ministry of Foreign Affairs and Institutional Relations transmits regularly to the Police Service of Andorra the lists and amendments thereto circulated by the various committees of the Security Council. The Police Service immediately implements the measures to which they refer. These lists are entered into the Police database, which police officers may consult in connection with any check.

The Police Service, working with the Immigration Service, is competent to examine the identity documents, nationality and police record of any person requesting permission to immigrate and must in all cases consult the police database.

With regard to border controls, the Immigration Act states that one of the conditions for entry into the Principality of Andorra is that the person requesting entry must not constitute a threat to the security of the State, persons or property or to public order. Furthermore, he must not constitute a serious public health threat and must prove that he has sufficient financial means to support his stay in the country. To that end, border officials must also consult the Police Service database when carrying out checks.

The Police Service database is connected to the International Criminal Police Organization (INTERPOL) database. The Andorran police is also in constant contact with the French and Spanish police.

Andorra has neither a port nor an airport. Andorra can be entered only by road and the borders are patrolled by the Police Service 24 hours a day.

(c) that all States shall freeze all funds, financial assets and economic resources that are on their territories on the date of adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons designated by the Committee pursuant to subparagraph (c) above, or that are held by entities owned or controlled, directly or indirectly, by such persons or by persons acting on their behalf or at their direction, and decides further that all States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories to or for the benefit of such persons or entities.

The Ministry of Foreign Affairs and Institutional Relations of Andorra transmits the lists issued by the Security Council Committee established pursuant to resolution 1591 (2005) to the Ministry of Internal Affairs and the Andorran Financial Intelligence Unit.

Within the competence granted to it under the Act on International Cooperation in Criminal Matters, Prevention of the Laundering of Money or Securities Constituting the Proceeds of International Crime and Prevention of the Financing of Terrorism, the Unit issues official communications reproducing the measures specified in Security Council resolutions 1591 (2005) and 1556 (2004) (see enclosure). The communications are addressed to financial entities subject to the Act as defined in article 41 of the Act, namely, individuals or entities that are subject to the legal obligations specified in this Act and which belong to any of the following categories:

- Operative components of the financial system
- Insurance companies authorized to operate in the life insurance sector
- Money transfer institutions.

The Act on International Cooperation in Criminal Matters, Prevention of the Laundering of Money or Securities Constituting the Proceeds of International Crime and Prevention of the Financing of Terrorism provides that those subject to its provisions shall monitor all transactions that, although not suspicious, take place under complex or unusual conditions and seem to have no economic justification or legal purpose, and especially transactions likely to involve money-laundering operations and those requiring special monitoring according to official communications.

If one of the entities subject to the Act has reason to suspect that a transaction may be linked to one of the entities or individuals listed in official communications, that transaction is blocked by the Unit and the corresponding file is subsequently transferred to the Public Prosecutor.

The Court of First Instance of Andorra (*Batllia*) is competent to freeze funds which are on Andorran territory and which are owned or controlled, directly or indirectly, by individuals or entities included on the lists issued by the Committee.

Actions taken by the Government of Andorra to implement the measures imposed by paragraphs 7 and 8 of Security Council resolution 1556 (2004)

7. *Decides* that all States shall take the necessary measures to prevent the sale or supply, to all non-governmental entities and individuals, including the Janjaweed, operating in the states of North Darfur, South Darfur and West

Darfur, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, whether or not originating in their territories.

8. *Decides* **that all States shall take the necessary measures to prevent any provision to the non-governmental entities and individuals identified in paragraph 7 operating in the states of North Darfur, South Darfur and West Darfur by their nationals or from their territories of technical training or assistance related to the provision, manufacture, maintenance or use of the items listed in paragraph 7 above.**

The Principality of Andorra has a long tradition of peace. It has lived without war or conflict for over seven centuries and has always expressed its support at the international level for the pursuit of disarmament. In that connection, Andorra wishes to point out that it has no army and does not have, develop, market, buy, possess, use or transfer military materiel. The transfer of weapons is an offence under the Andorran Criminal Code. The Police Service and Customs Service maintain constant border control to prevent any transfer of weapons.

Enclosure

Financial Intelligence Unit

Principality of Andorra

Representative 1
Representative 2
Entity
Address
District

Official Communication CT-08/2009

Andorra la Vella, 31 December 2009

Pursuant to Security Council resolution 1591 (2005) concerning measures imposed on designated individuals from the Sudan, all Member States must freeze the financial assets of and sever all commercial relations with the persons designated below.

Please consult your databases for the names of the persons listed and inform the Unit of the results as soon as possible.

Individuals:

1. **ELHASSAN Gaffar Mohammed**
2. **HILAL (Sheikh) Musa**
3. **SHANT Adam Yacub**
4. **BADRI Gabril Abdul Kareem**

We remain at your disposal to provide any clarification required.

FINANCIAL INTELLIGENCE UNIT

United Nations S/AC.47/2010/5

Security Council

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12 March 2010

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Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Note verbale dated 8 February 2010 from the Permanent Mission of Australia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Australia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan and has the honour to refer to the provisions of resolution 1891 (2009) adopted by the Security Council on 13 October 2009.

The Permanent Mission of Australia has the honour to provide the Chairman with a report on the actions taken by Australia to implement the measures imposed by resolutions 1591 (2005) and 1556 (2004), pursuant to paragraph 5 of resolution 1891 (2009) (see annex).

10-27134 (E) 180310

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Annex to the note verbale dated 8 February 2010 from the Permanent Mission of Australia to the United Nations addressed to the Chairman of the Committee

Report of Australia to the Sudan sanctions Committee pursuant to paragraph 5 of Security Council resolution 1891 (2009) of 13 October 2009

Paragraph 5 of resolution 1891 (2009), adopted on 13 October 2009 by the Security Council,

> *Encourages* all States, in particular those in the region, to report to the Committee on the actions they have taken to implement measures imposed by resolutions 1591 (2005) and 1556 (2004).

The present report describes the steps taken by Australia to implement those resolutions.

Arms embargo

Paragraph 7 of resolution 1556 (2004) as supplemented by paragraph 7 of resolution 1591 (2005) is implemented in Australia by regulation 8 of the *Charter of the United Nations (Sanctions-Sudan) Regulations 2008* (Sudan Regulations), and regulation 13CM of the *Customs (Prohibited Exports) Regulations 1958*.

Regulation 8 of the Sudan Regulations prohibits the supply, sale or transfer of arms or related materiel to Sudan, without a permit issued by the Minister for Foreign Affairs or validly issued under the law of another country in compliance with its obligations under resolution 1556 (2004) and resolution 1591 (2005). Regulation 8 applies to any person in Australia, any Australian anywhere in the world, and any person who uses the services of an Australian ship or aircraft to supply, sell or transfer arms or related materiel to Sudan. Regulation 8 also applies to a body corporate which has effective control over another body corporate or entity, wherever incorporated or situated, that breaches the arms embargo against Sudan.

Consistent with paragraph 9 of resolution 1556 (2004) and paragraph 7 of resolution 1591 (2005), regulation 9 of the Sudan Regulations provides that the Minister for Foreign Affairs may grant a permit to supply, sell or transfer arms and related materiel to Sudan in the following circumstances:

- supplies for monitoring, verification or peace support operations, including such operations led by regional organizations, that are authorized by the United Nations or are operating with the consent of the relevant parties (regulation 9(2)(a));
- supplies of non-lethal military equipment intended solely for humanitarian use, human rights monitoring or protective use (regulation 9(2)(b));
- supplies of protective clothing, including flak jackets and military helmets, for the personal use of United Nations personnel, human rights monitors, representatives of the media and humanitarian and development workers and associated personnel (regulation 9(2)(c));

- supplies provided in support of implementation of the Comprehensive Peace Agreement (regulation 9(2)(d)); and

- the movement of military equipment and supplies into the Darfur region that are approved in advance by the Committee established under paragraph 3 (a) upon a request by the Government of Sudan (regulation 9(2)(e)).

The Minister must not grant a permit to any non-governmental entity or individual operating in North Darfur, South Darfur or West Darfur, or to a party to the N'djamena Ceasefire Agreement, or to any belligerent in North Darfur, South Darfur or West Darfur.

The exportation of arms and related materiel to Sudan, without the written permission of the Foreign Minister or an employee of the Department of Foreign Affairs and Trade authorized to give permission on behalf of the Minister, is also prohibited by regulation 13CM of the *Customs (Prohibited Exports) Regulations 1958*.

Technical training and assistance

Paragraph 8 of resolution 1556 (2004) as supplemented by paragraph 7 of resolution 1591 (2005) is implemented in Australia by regulation 10 of the Sudan Regulations. Regulation 10 of the Sudan Regulations prohibits the provision to Sudan of technical training and assistance related to the provision, manufacture, maintenance or use of arms and related materiel, without a permit issued by the Minister for Foreign Affairs, or validly issued under the law of another country in compliance with its obligations under resolution 1556 (2004) and resolution 1591 (2005). Regulation 10 applies to all persons in Australia, any Australian anywhere in the world, and to a body corporate which has effective control over another body corporate or entity, wherever incorporated or situated, that provides technical training and assistance to Sudan, related to the provision, manufacture, maintenance or use of arms and related materiel.

Consistent with paragraph 9 of resolution 1556 (2004) and paragraph 7 of resolution 1591 (2005), regulation 11 of the Sudan Regulations provides that the Minister for Foreign Affairs may grant a permit authorizing the provision of technical training and assistance to Sudan, in the following circumstances:

- technical training and assistance for monitoring, verification or peace support operations, including such operations led by regional organizations, that are authorized by the United Nations or are operating with the consent of the relevant parties (regulation 11(2)(a));

- technical training and assistance related to supplies of non-lethal military equipment intended solely for humanitarian use, human rights monitoring or protective use (regulation 11(2)(b)); and

- assistance provided in support of implementation of the Comprehensive Peace Agreement (regulation 11(2)(c)).

The Minister must not grant a permit to any non-governmental entity or individual operating in North Darfur, South Darfur or West Darfur, or to a party to the N'djamena Ceasefire Agreement, or to any belligerent in North Darfur, South Darfur or West Darfur.

Financial measures

Paragraph 3 (e) of resolution 1591 (2005), imposing financial sanctions on Sudan, is implemented in Australia by regulations 12 and 13 of the Sudan Regulations.

Regulation 12 of the Sudan Regulations prohibits making an asset available, directly or indirectly, to, or for the benefit of, a person designated by the Committee or the Security Council for the purposes of subparagraph 3 (c) of resolution 1591, or to a person acting on behalf of or at the direction of a designated person, or an entity owned or controlled, directly or indirectly, by a designated person.

Regulation 13 of the Sudan Regulations prohibits a person who holds an asset that is, directly or indirectly, owned or controlled by a designated person, or a person acting on behalf of or at the direction of a designated person, or an entity owned or controlled, directly or indirectly, by a designated person, from using or dealing with the asset, or allowing the asset to be used or dealt with, or facilitating the use of, or the dealing with, the asset.

Consistent with paragraph 3 (g) of resolution 1591 (2005), regulation 14 of the Sudan Regulations provides that the Minister for Foreign Affairs may grant a permit authorizing a transaction prohibited by regulations 12 or 13, only for a purpose provided for in regulation 14 (2) and regulation 5 of the *Charter of the United Nations (Dealing with Assets) Regulations 2008*, which mirror the exceptions set out in paragraph 3 (g) of resolution 1591 (2005).

Penalties for breach of regulations 8, 10, 12 and 13 of the Sudan Regulations

Regulations 8, 10, 12 and 13 of the Sudan Regulations have been specified by the Minister for Foreign Affairs as "UN sanction enforcement laws". Contravention of a United Nations sanction enforcement law, or of a condition of a permit granted under a United Nations sanction enforcement law (such as a permit granted under regulation 9) is an offence under section 27 of the *Charter of the United Nations Act 1945*. The maximum penalties upon conviction for such an offence are, for individuals, 10 years' imprisonment or a fine the greater of 2,500 penalty units or three times the value of the transaction (if this can be calculated). For a body corporate, the offence is an offence of strict liability unless it can prove that it took reasonable precautions and exercised due diligence, to avoid contravening the law. The maximum penalty for bodies corporate upon conviction is a fine the greater of 10,000 penalty units or three times the value of the transaction (if this can be calculated). As at 8 February 2010, a penalty unit is equivalent to AUS$ 110 under section 4AA of the Commonwealth Crimes Act 1914.

Travel measures

Paragraph 3 (d) of resolution 1591 (2005), imposing a travel ban on designated persons, is implemented in Australia by the *Migration (United Nations Security Council Resolutions) Regulations 2007*, which specify that a person who is or becomes the subject of specified resolutions of the Security Council that require Australia to prevent that person entering or transiting through Australian territory is unable to be granted a visa or, if a visa has already been granted, may have his or her visa cancelled, consistent with the obligations in the relevant Security Council resolution. The Minister for Immigration and Citizenship specifies, by legislative

instrument, the relevant resolutions to be covered by the Regulations. Resolution 1591 (2005) has been specified in respect of the Sudan.

The Department of Immigration and Citizenship maintains a Movement Alert List, which includes the names of non-citizens whose eligibility for a visa grant or continuing eligibility to hold a visa may be an issue. All persons designated by the Committee as being subject to travel measures, under paragraph 3 (c) of resolution 1591 (2005), are included on the Movement Alert List. The names of all visa applicants are checked against the List prior to any decision to grant a visa to enter Australia. The List is electronically accessible to officers of the Department of Immigration and Citizenship posted to Australia's diplomatic and consular missions worldwide, although the matching process has been centralized in the Border Operations Centre (BOC) in the Department of Immigration and Citizenship's National Office. Additional checks are also undertaken at Australian entry points to ensure that any person put on the List subsequent to a visa grant is identified.

Where there may be a potential match between a visa applicant and an individual listed on the Movement Alert List, further enquiries must be made before a visa can be granted, or, if it has already been granted, to consider whether it can or must be cancelled. Led by the Department of Immigration and Citizenship, this is a consultative process including many government bodies, which aims to resolve the Movement Alert List alert by examining available data on both applicants and individuals on the List.

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Security Council

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12 March 2010

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Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Letter dated 18 December 2009 from the Permanent Mission of Canada to the United Nations addressed to the Chairman of the Committee

Report of Canada on the implementation of measures decided by the Security Council in resolution 1591 (2005)

In his letter to the Permanent Representative of Canada to the United Nations, dated 29 October 2009, and further to the Security Council's request in subparagraph 5 of resolution 1891 (2009), the Chairman of the Security Council Committee requested information on steps taken by Canada to implement the measures imposed by subparagraphs 3 (d) and (e) and paragraph 7 of resolution 1591 (2005), namely a travel ban, an assets freeze and an arms embargo, respectively.

Canada is pleased to inform the Committee of the steps taken to implement those measures, which are for implementation by all States.

Arms embargo (paragraph 7). The first implementation step was taken on 23 September 2004, with the coming into force of the *United Nations Sudan Regulations* (SOR/2004-197) (the *Regulations*) (http://gazette.gc.ca/archives/p2/2004/2004-10-06/html/index-eng.html), made by the Governor in Council of Canada to implement the arms embargo against non-governmental entities, including the Janjaweed militia, operating in the Darfur region of western Sudan, imposed by the Security Council in resolution 1556 (2004). The *Regulations* prohibit the export or supply of arms and related technical assistance to anyone in Sudan by anyone in Canada or by any Canadian outside of Canada. They also prohibit the use of Canadian registered ships or aircraft for the same purposes. Anyone who contravenes those prohibitions is liable to imprisonment for a term of not more than 10 years or a fine of C$100,000. The *Regulations* provide for exemptions for verification, monitoring or peace support missions, including such operations led by regional international organizations, which are authorized by the United Nations or are operating with the consent of the relevant parties.

The *Export and Import Permits Act* also assists in the implementation of United Nations Security Council trade sanctions. The *Export Control List* (ECL) is a

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list of goods that the Governor in Council of Canada deems necessary to control for enumerated purposes. Permits are required for the export of goods on the *Export Control List*. Under current export control policy guidelines, Canada closely controls the export of military goods and technology to countries that are under United Nations Security Council sanctions. No permits have been issued for any export of military goods and technology to the Sudan for several years — with the exception of the provision of military supplies, at the request of the African Union and the United Nations, to the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and its predecessor, the African Union Mission in Sudan (AMIS).

Travel ban (subparagraph 3 (d)): Canada's *Immigration and Refugee Protection Act* enables Canada to prevent the entry into or transit through its territory of all persons to be designated by the Committee pursuant to subparagraph 3 (e) of resolution 1591 (2005).

Assets freeze (subparagraph 3 (e)): On 2 May 2005, the Governor in Council of Canada made *Regulations Amending the United Nations Sudan Regulations* (SOR 2005-122), to implement the freeze of funds, other financial assets and economic resources in Canada, owned or controlled directly or indirectly by persons designated pursuant to subparagraph 3 (e) of resolution 1591 (2005) or held by entities owned or controlled, directly or indirectly, by such persons or by persons acting on their behalf or at their direction. Those regulations which updated the original *United Nations Sudan Regulations* following the adoption of resolution 1591 (2005), prohibit, subject to the same penalties as mentioned above for the arms embargo, the dealing in funds, other financial assets and economic resources belonging to such persons or entities and the provision of properties of any kind to them. They also give effect to new exemptions to the arms embargo, decided by the Security Council in resolution 1591 (2005).

United Nations S/AC.47/2010/7

Security Council

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12 March 2010

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Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Note verbale dated 25 February 2010 from the Permanent Mission of Oman to the United Nations addressed to the Chairman of the Committee

The Permanent Representative of the Sultanate of Oman to the United Nations presents his compliments to the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) and has the honour to refer to his note dated 29 October 2009 regarding the report to the Committee on the actions taken by the Government of Oman to implement measures imposed by resolutions 1591 (2005) and 1556 (2004).

The Permanent Representative has further the honour to confirm that the Government of the Sultanate of Oman is committed to implementing all resolutions of the United Nations Organization and the Security Council through the implementation of all measures imposed by resolutions 1556 (2004) and 1591 (2005) including the arms embargo that applies to all parties to the N'Djamena Ceasefire Agreement and any other belligerents in the States of Northern Darfur, Southern Darfur and Western Darfur.

10-27140 (E) 190310

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United Nations S/AC.47/2010/8

Security Council

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12 March 2010
English
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Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Note verbale dated 5 March 2010 from the Permanent Mission of France to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of France to the United Nations presents its compliments to the Office of the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan and has the honour to transmit a report on the implementation by France of the measures approved by resolutions 1556 (2004) and 1591 (2005) (see annex).

10-27156 (E) 150310 180310

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Annex to the note verbale dated 5 March 2010 from the Permanent Mission of France to the United Nations addressed to the Chairman of the Committee

Report of France to the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan on the implementation of the measures approved by resolutions 1591 (2005) and 1556 (2004)

The Security Council, in paragraph 5 of resolution 1891 (2009) of 13 October 2009, encourages all States, in particular those in the region, to report to the Committee on the actions they have taken to implement the measures imposed by resolutions 1591 (2005) and 1556 (2004).

In accordance with Security Council resolution 1891 (2009), France wishes to transmit to the Committee the following information concerning the implementation of the restrictive measures set forth in paragraphs 3 (d), 3 (e) and 7 of resolution 1591 (2005) and paragraphs 7 and 8 of resolution 1556 (2004).

I. Measures adopted by the European Union

1. The Council of the European Union decided to impose an arms embargo on the Sudan as of 9 January 2004 by adopting common position 2004/31.

2. On 30 May 2005, pursuant to Security Council resolution 1591 (2005), the Council of the European Union adopted common position 2005/411/CFSP concerning restrictive measures against the Sudan. This document transposes to the European Union the provisions of resolution 1591 (2005) and provides for:

- An embargo on arms and related materiel and on related services or financing intended for the Sudan, in accordance with common position 2004/31 of 9 January 2004;
- Measures restricting movement in the territory of States members of the European Union;
- Measures for the freezing of financial assets.

On 25 April 2006, the Security Council adopted resolution 1672 (2006) in which it decided that all States would implement the measures specified in paragraph 3 of resolution 1591 (2005) with respect to four designated individuals. Pursuant to resolution 1672 (2006), the Council of the European Union adopted decision 2006/386/CFSP of 1 June 2006 (designated individuals) amending common position 2005/411/CFSP (list in the annex).

3. In respect of certain provisions of the common position falling within the competence of the European Community, the Council of the European Union adopted:

- With regard to the prohibition of financing and financial assistance linked with the implementation of the arms embargo against the Sudan: regulation (EC) No. 838/2005 of 30 May 2005 (amending regulation 131/2004 of 26 January 2004 implementing common position 2004/31/CFSP);

– With regard to measures for the freezing of financial assets: regulation (EC) No. 1184/2005 of 1 June 2006 as amended by regulation (EC) No. 760/2006 of 18 May 2006 and regulation (EC) No. 970/2007 of 17 August 2007 (amendment to the list of designated individuals, taking into account the latest update of the list by the Security Council Committee established pursuant to resolution 1591 (2005), on 7 August 2007).

Community regulations are directly and legally applicable as soon as they have been published in the *Official Journal of the European Union*. Accordingly, no action needs to be taken for their issuance at the national level.

II. National implementing provisions

1. Arms embargo

1. France is a party to all the international instruments for cooperation with regard to arms exports. In particular, it bases its export decisions on criteria determined in the context of international treaties, conventions, instruments or forums to which it has acceded, in particular the European Code of Conduct on Arms Exports adopted by the Council of the European Union in 1998. France implements the international embargoes imposed by the United Nations Security Council and by the European Union against certain countries.

Specifically, the arms embargo imposed by the European Union against the Sudan is implemented by the member States of the European Union on the basis of common position 2005/411/CFSP of the Council of the European Union. Council of the European Union regulation (EC) No. 838/2005 also established a statutory basis for the systematic prohibition of the financing or the provision of financial assistance related to the prohibition of exports from the member States of the European Union to the Sudan of the items envisaged in paragraphs 7 and 8 of Security Council resolution 1556 (2004) and paragraph 7 of resolution 1591 (2005).

2. The export from France of war materiel is strictly controlled on the basis of, inter alia, article L 2335-3 of the Defence Code (an instrument having the force of law) which provides that the unauthorized export, under any customs regime, of war materiel or related items is prohibited. The primary applicable regulatory text is decree No. 95-589 of 6 May 1995. The law provides for criminal penalties in the event of failure to comply with the legislative and regulatory provisions concerning exports of war materiel and related items (articles L 2339-2 et seq. of the Defence Code).

Export licences may be issued as an exception to that ban only on completion of an inter-ministerial review procedure. Under that procedure, the inter-ministerial committee for the review of exports of war materiel, on the basis of Security Council resolutions 1556 (2004) and 1591 (2005), European Union common position 2005/411/CFSP and regulation (EC) No. 838/2005, now rejects all applications for approval of negotiations for the sale of, or the sale of, war material to the Sudan.

Furthermore, a notice published in the *Official Journal* of 30 July 2009, intended for exporters of war materiel and related items, specifies that exceptions to the prior approval and export licensing requirements prescribed in article 13 of the decree of 2 October 1992 on the procedure for the import, export and transfer of war material, arms, ammunition and related items are suspended in view of the

international commitments undertaken by France in respect of, among other countries, the Sudan.

The provision of assistance or advice by French nationals in relation to the designated items is also prohibited.

2. Freezing of financial assets and economic resources and prohibition of the provision of funds

Council of the European Union regulation (EC) No. 1184/2005 established a statutory basis for the implementation of paragraph 3 (e) of Security Council resolution 1591 (2005) and provides for the freezing of the financial assets of individuals and entities designated by the sanctions Committee and a prohibition on making funds, financial assets or economic resources available to these individuals.

On 25 April 2006, the Security Council adopted resolution 1672 (2006) in which it decided to implement sanctions against four Sudanese individuals. By regulation (EC) No. 760/2006 of 18 May 2006, these individuals were added to the sanctions list included in regulation (EC) No. 1184/2005.

These provisions are taken into account by banks and financial institutions in France, which are notified thereof by, in particular, the Ministry of the Economy, Industry and Employment.

3. Prohibitions on access to the territory

Visa applications by individuals designated by the Security Council Committee established pursuant to resolution 1591 (2005) are denied by the French authorities by virtue of their inclusion in a list of persons ineligible for French visas. These provisions apply, in particular, to the individuals designated by Security Council resolution 1672 (2006).

France also denies issuance on the basis of article 5 (e) of the Convention implementing the Schengen Agreement and in the context of common position 2005/411/CFSP of the Council of the European Union. This common position provides for the adoption of measures restricting access to the territory of the member States of the European Union pursuant to paragraph 3 (d) of Security Council resolution 1591 (2005). It was amended by decision No. 2006/386/CFSP of 1 June 2006 so as to prohibit access to the territory of the member States of the European Union by the four individuals designated in Security Council resolution 1672 (2006).

Visa denials may therefore be based solely on the relevant resolutions of the Security Council, specifically resolutions 1591 (2005) (cf. paragraph 3 (d)) and 1672 (2006). The individuals included in the consolidated list of the Security Council Committee established pursuant to resolution 1591 (2005) are included in the central register of the world visa network, a register provided for in article 1 of the decree of 22 August 2001. French diplomatic and consular offices abroad which are responsible for processing visa applications have been instructed not to issue visas to the persons included in this register.

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Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Note verbale dated 15 March 2010 from the Permanent Mission of Burundi to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Burundi to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan and has the honour to refer to the note verbale of 29 October 2009 in which Member States are encouraged, in particular those in the region, to report to the Committee on the actions they have taken to implement measures imposed by resolutions 1556 (2004) and 1591 (2005). Information on the action taken is attached hereto (see annex).

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Annex to the note verbale dated 15 March 2010 from the Permanent Mission of Burundi to the United Nations addressed to the Chairman of the Committee

Actions taken by the Government of Burundi, at the level of the Ministry of Public Security, to implement the measures laid down in resolutions 1556 (2004) and 1591 (2005) against rebels in Darfur

I. What are these measures?

The measures in question are set out in paragraphs 7 and 8 of resolution 1556 (2004) and in paragraph 3 (d) and (e) of resolution 1591 (2005).

1. Paragraph 7 of resolution 1556 (2004)

Under this paragraph, the Security Council decided that all states shall take the necessary measures to prevent the sale or supply, to all non-governmental entities and individuals, including the Janjaweed, operating in the states of North Darfur, South Darfur and West Darfur, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition [...].

2. Paragraph 8 of the same resolution

This paragraph stipulates that all states shall take the necessary measures to prevent any provision to the non-governmental entities and individuals identified in paragraph 7 operating in the states of North Darfur, South Darfur and West Darfur by their nationals or from their territories of technical training or assistance related to the provision, manufacture, maintenance or use of the items listed in paragraph 7 above.

3. Paragraph 3 (d) and (e) of resolution 1591 (2005)

The Security Council decides:

(d) that all States shall take the necessary measures to prevent entry into or transit through their territories of all persons as designated by the Committee pursuant to subparagraph (c) (those individuals who impede the peace process, who constitute a threat to stability in Darfur and the region, who commit violations of international humanitarian or human rights law or other atrocities [...];

(e) that all States shall freeze all funds, financial assets and economic resources that are on their territories on the date of adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons designated by the Security Council Committee [...].

II. Whom are these measures actually imposed on?

Those subject to the aforementioned measures include:

Janjaweed militiamen;

The Justice and Equality Movement;

The Sudan Liberation Army, and other armed groups arising from the fragmentation of the rebellion and Arab militias.

III. Actions taken by the Ministry of Public Security to implement the aforementioned measures

Aware that the continuation of hostilities in Darfur is not only a threat to the whole of the Sudan, but also to the entire region in general, the Ministry of Public Security has not turned a deaf ear to the call made by the Security Council Committee to help stabilize the Darfur region. Accordingly:

- The air and border police have already been instructed to increase their vigilance in terms of monitoring and tracking the movements of foreigners, not only at different points of entry and exit (airports, ports and others), but also within the country, in order to identify undocumented persons. Particular attention is given to the nationals of countries in conflict, such as the Sudan and Somalia. The movement of any individual subject to the aforementioned measures would therefore be reported;

- All police regions have been instructed to work in synergy with other partners, such as the customs authorities, in order to curb all illicit trade, including the trafficking of weapons to other countries via Burundi;

- Furthermore, the Ministry of Public Security proposed to the First Vice-President of the Republic of Burundi that a multisectoral committee should be established, whose mandate would include developing strategies to prevent and combat terrorism in Burundi. This Committee will also be responsible for making suggestions aimed at improving overall security. It will therefore focus in particular on anything that might threaten security or stoke up war in the countries of the region;

- It should be noted that the Ministry of Public Security needs to closely monitor the security situation in this region of the Sudan, especially as Burundi police are deployed there on a peacekeeping mission;

Finally, the Ministry of Public Security reaffirms its desire to spare no effort to help ensure that groups involved in human rights violations in Darfur can no longer pose a threat.